

REMARKS

Claims 1-27 are pending in the application.

Claims 1-27 have been rejected.

Claims 1, 2, 6-9, 11, 13-18, 20, 24, and 25 have been amended.

Claims 3-5 have been cancelled.

Rejection of Claims under 35 U.S.C. §101

Claims 1-12 stand rejected under 35 U.S.C. § 101 as purportedly failing to (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Applicants respectfully traverse this rejection. However, in order to expedite prosecution, Applicants have amended claim 1 to recite causing a processor of the computer system to automatically generate the forecast snapshot and send an alert notifying the participants of the generation of the forecast snapshot. Accordingly, Applicants respectfully submit that claims 1-12, which are directed towards “a method in a computer system,” are tied to another statutory class of invention. 35 U.S.C. § 101 states that “Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” As stated in § 2106 of the MPEP, “The burden is on the USPTO to set forth a *prima facie* case of unpatentability. Therefore if USPTO personnel determine that it is more likely than not that the claimed subject matter falls outside all of the statutory categories, they must provide an explanation.”

Applicants respectfully submit that the Office Action fails to set forth a *prima facie* case of unpatentability by failing to provide the required explanation supporting the Office Action’s position that a computer system falls outside the statutory category of machine. The Office Action states that the claims “are non-statutory since they may be performed within the human mind.” Office Action, p. 3. However, Applicants respectfully submit that it is clear that the claims could not be performed in the human mind since the claims are limited to methods performed by a computer system.

Applicants respectfully submit that a computer system is a machine within the meaning of § 101, and thus the claims are tied to a statutory class of invention. Therefore, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

Rejection of Claims under 35 U.S.C. § 102(e)

Claims 1-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 2007/0208608 issued to Amerasinghe et al. ("Amerasinghe"). Applicants respectfully traverse this rejection. As an initial matter, Applicants respectfully submit that the arguments presented below with respect to independent claim 1 are generally applicable to claims 13 and 20, as independent claims 13 and 20 generally require the same disputed limitations of claim 1. Exemplary claim 1 recites:

A method in a computer system comprising:
defining a forecast snapshot, wherein the defining comprises:
 receiving an interval wherein the interval specifies a frequency at which forecast snapshots are created;
 receiving a specified day within the interval wherein the forecast snapshot is created on the specified day; and
 receiving specified roles of participants wherein a member of the organization who is assigned one of the specified roles is included in the forecast snapshot;
causing a processor of the computer system to automatically generate the forecast snapshot wherein the forecast snapshot is based on opportunity information of the participants, and the forecast snapshot includes the opportunity information; and
causing the processor of the computer system to automatically send an alert notifying the participants of the generation of the forecast snapshot.

Applicants respectfully submit that the cited passages of Amerasinghe fail to disclose each element of independent claim 1. Specifically, the cited passages of Amerasinghe fail to teach or even suggest at least the following features recited in independent claim 1: defining a forecast snapshot and causing a processor to automatically generate a forecast snapshot wherein the forecast snapshot includes opportunity information of the participants; and causing the processor to automatically send an alert notifying the participants of the generation of the forecast snapshot.

The Office Action cites ¶ 50 of Amerasinghe as purportedly disclosing generating a forecast snapshot. Office Action, p. 5. However, Applicants respectfully submit that the cited passage fails to disclose automatically generating a forecast snapshot. Instead, the cited passage discloses creating a forecast. *See* Amerasinghe, ¶ 50. In equating the claimed forecast snapshot with Amerasinghe's forecast, the Office Action apparently ignores the term snapshot, giving the term no meaning. Applicants respectfully submit that the claimed forecast snapshot is not simply the same thing as a forecast. Applicants have amended claim 1 to clarify that one difference between a forecast and a forecast snapshot is that a forecast snapshot includes opportunity data. The forecasts disclosed by the cited portions of Amerasinghe fail to disclose including opportunity data.

Furthermore, the Office Action states that notifying a participant of the creation of a forecast snapshot is inherently disclosed by Amerasinghe because participants "are given the chance to run a preliminary forecast and they can make modifications or adjustments prior to submitting the information to his or her manager." Office Action, pp. 4-5. "In relying on a theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

Applicants respectfully submit that the Office Action fails to include any such evidence or rationale tending to show inherency. The Office Action's statement that a participant has the opportunity to run a preliminary forecast and make adjustments does not mean that the participant necessarily does so. The participant may choose not to run a preliminary forecast and make adjustments. In such a case, the participant would not be notified. Thus, notifying the participants is not inherent.

Moreover, claim 1 is amended to recite "causing the processor of the computer system to automatically send an alert notifying the participants of the generation of the forecast snapshot." This further illustrates the distinctions between claim 1 and the cited passages of Amerasinghe, which do not disclose automatically sending an alert that notifies participants. For at least the foregoing reasons, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections to claims 1, 13, and 20,

as well as claims 2, 6-12, 14-19, and 21-27, which depend therefrom, and an indication of the allowability of same.

Applicants respectfully submit that the cited portions of Amerasinghe fail to disclose each feature of claim 6, which has been amended to recite:

The method of claim 1 further comprising: before generating a forecast snapshot, validating a hierarchy of the participants, wherein the hierarchy comprises more than one level, and the validating comprises detecting whether a participant of the participants is included at more than one level of the hierarchy.

The Office Action cites the following portion of Amerasinghe as purportedly disclosing ensuring correctness of a hierarchy of participants:

A high-level flowchart corresponding to a typical forecasting process in accordance with the present invention is shown in FIG. 1. The process begins in a block 10, wherein members of a sales or marketing organization are defined, along with the hierarchy for the organization. The hierarchy defines the various management levels of the organization and identifies the report paths for each member of the organization (e.g., a sales representative reports to a region manager, who reports to a national manager, who reports to a vice president of sales, etc.) An exemplary organization hierarchy 11 is shown in FIG. 2.

Amerasinghe, ¶ 47. The above passage fails to disclose validating a hierarchy of participants after defining a forecast snapshot, wherein the validating comprises detecting whether a participant is included at more than one level. The cited passage merely discloses defining a hierarchy. There is no disclosure in the cited passage of Amerasinghe of the claimed validating. For at least the foregoing reasons, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections to claim 6 as well as claims 15 and 24 (which contain substantially similar features) and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,



Shawn Doman
Attorney for Applicants
Reg. No. 60,362
Telephone: (512) 439-5092
Facsimile: (512) 439-5099